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DATE FILED: 2/15/2023

MEMORANDUM ENDORSEMENT

Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc.

10-cv-1136 (NSR)


The Court received the attached letter via email today, which was sent by Mr. Nathan Phelps. The Court understands that Mr. Phelps is representing Jeffrey Salt in his proceedings in the District of Utah, *United State v. Salt*, 2:23-mj-00103-CMR-1. In the letter, Mr. Phelps states that Jeffrey Salt intends on purging himself of his contempt and intends on abiding by this Court's orders, or demonstrate his incapability of doing so. In the cover email to the Court, Mr. Phelps indicates that Jeffrey Salt is asking the court to lift the arrest warrant so he can begin his efforts to purge.

The parties are reminded that Jeffrey Salt has already been appointed C.J.A. counsel, Mr. Francis L. O'Reilly, for his contempt and civil confinement proceedings before this Court. (*See* ECF No. 270).

The Court therefore directs Mr. O'Reilly and Plaintiff's counsel to respond to Mr. Phelps' letter and to file such letter through ECF by Friday, February 17, 2023. Given that Jeffrey Salt has expressed his intent to purge his contempt and has outlined steps for doing so, the parties are strongly encouraged to consider coming to a stipulation.

Dated: February 15, 2023
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

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February 14, 2023

VIA Email

Hon. Nelson S. Roman
United States District Court Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc., 7:10-cv-1136

Dear Judge Roman:

On behalf of my client Jeffery Salt, I am submitting this statement through which he declares his intent to purge himself of contempt finding. Through this letter, he is indicating his intent to abide by the court's orders or, where appropriate, demonstrate that is incapable of doing so.

To the extent the court requires more concrete commitments, through this letter Mr. Salt is agreeing to do the following once he is released from custody and, if necessary, return to the District of Utah:

Within two weeks of release/return to Utah:

Produce the tax filings for years 2016 through 2019, and 2021

Within two weeks of filing:

Produce the tax filings for years 2020 and 2022
(Mr. Salt has not filed returns for either yet.)

Within eight weeks of release/return to Utah:

Produce any W-2s, K-1s and 1099s for tax years 2016 through the present
Produce current bank and brokerage statements
Provide an affidavit describing his work history from 2016

Provide an affidavit describing his residences and places of business and, with respect to his residences, who owns the residences and the amount,

Within twelve weeks of release/return to Utah:

Provide an affidavit regarding his income, assets and liabilities, inheritance, interest in any trusts

Within sixteen weeks of release/return to Utah:

Produce past bank and brokerage statements since 2016, or, if necessary, provide an affidavit explaining why they are unavailable

Provide initial response to questions regarding usage of the Waterkeeper marks

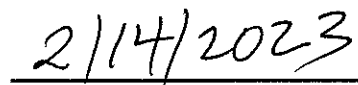
Thereafter, as necessary, provide continuous further responses in at least 60-day intervals for any still pending obligations.

Admittedly, this schedule may leave not cover every obligation required of Mr. Salt. However, because of his present incarceration and my own inability to grasp the full nature of the long-running civil case, it is likely the best effort that can be offered at this time. It is Mr. Salt's hope that, as necessary, this schedule can be further refined after his release.

Respectfully submitted,
/s/ Nathan Phelps
Counsel for Mr. Salt



Jeffrey Salt



Date

From: [Nathan Phelps](#)
To: [Roman NYSD Chambers](#)
Cc: [jlibou@wmllp.com](#); [attflor@aol.com](#); [Gina Sicora](#)
Subject: RE: In re Jeffrey Salt / Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, 7:10-cv-1136
Date: Wednesday, February 15, 2023 9:16:15 AM
Attachments: [23.02.14 - Letter to SDNY court.pdf](#)

Good morning,

I'm attaching a letter to the court formalizing Mr. Salt's intent to purge his contempt if released, along with a proposed series of steps he will take to make good on that effort. With this letter, Mr. Salt is asking the court to lift the arrest warrant so he can begin these efforts. If further refinements are necessary, Mr. Salt will appear by video for the court after he is released. As my letter admits, my inability to grasp the scale and complexity of this civil case in the brief period I have had Mr. Salt as a client prevents me from doing more.

Please let me know else I can help move this impasse to an end.

Thanks,

Nathan Phelps
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From: Roman NYSD Chambers [mailto:RomanNYSDChambers@nysd.uscourts.gov]
Sent: Thursday, February 9, 2023 3:25 PM
To: Nathan Phelps <Nathan_Phelps@fd.org>
Cc: [jlibou@wmllp.com](#); Francis O'Reilly <[attflor@aol.com](#)>; Gina Sicora <[Gina_Sicora@nysd.uscourts.gov](#)>; Joseph Vita <[joev63542@aol.com](#)>
Subject: RE: In re Jeffrey Salt / Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, 7:10-cv-1136

Mr. Phelps,

Please see attached the Court's February 7, 2023 order, which describes the Court's previous contempt orders and indicates what Mr. Salt must purge.

Best regards,

Chambers of the Hon. Nelson S. Román, U.S.D.J.
U.S.D.C., S.D.N.Y.
300 Quarropas Street

White Plains, NY 10601

From: Nathan Phelps <Nathan_Phelps@fd.org>

Sent: Thursday, February 9, 2023 3:00 PM

To: Roman NYSD Chambers <RomanNYSDChambers@nysd.uscourts.gov>

Cc: jilibou@wmlp.com; attflor_aol.com <attflor@aol.com>; Gina Sicora <Gina_Sicora@nysd.uscourts.gov>; Joseph Vita <joev63542@aol.com>

Subject: In re Jeffrey Salt / Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, 7:10-cv-1136

To the Chambers of the Hon. Nelson S. Román, U.S.D.J.,

I have been appointed to represent Mr. Salt here in the District of Utah in connection with the warrant in your court. After discussing the situation with Mr. Salt, he has indicated to me that he intends to purge his attempt and comply with the court's order as described in ECF filing number 267. I am reaching out to the court to inquire as to what steps it wants Mr. Salt to take to formalize that intent such so that the arrest warrant in place can be lifted.

Until that can be resolved, I am making my best efforts to keep Mr. Salt detained locally. Should he be required to be transferred to the Southern District of New York in the custody of the United State Marshal Service, it is my expectation that it would take more than a month before Mr. Salt would actually arrive to the state and be presented to the court to answer the warrant. The expectation is based on the experience of other clients who have been transferred to the District of Utah from other districts. For example, transfers from the Central District of California and the Western District of Washington to the District of Utah have taken at least a month's time. Given the greater distance to New York, I expect the time to be at least that long.

During the time period that he is in transfer in USMS custody, Mr. Salt will not be able to comply with the court's order or make other efforts to purge his contempt. While it is not the court's intent to punish Mr. Salt through the civil contempt finding and order of arrest, in that situation that will be the practical consequence. And because Mr. Salt has only been found to be in civil contempt, punishment is improper and violates Mr. Salt's Due Process and Sixth Amendment rights.

Hopefully the efforts to resolve Mr. Salt's warrant and purge his contempt can be resolved before the identify hearing scheduled for February 13, 2023. If those efforts have not come to fruition by then, I intend to protect his constitutional rights through a separate habeas action. That will hopefully prevent his transfer and allow him the option to purge his contempt.

Finally, for Mr. Joseph Vita's benefit, I am notifying this court that Mr. Salt has been informed of his change of counsel. I provided him a copy of the court's February 8 order relieving Mr. Vita and appointing Mr. Francis O'Reilly on a limited basis. I have also provided Mr. Salt with Mr. O'Reilly's contact information.

Sincerely,
Nathan Phelps

CC: Jason Louis Libou, Joseph A. Vita, Francis O'Reilly, Gina Sicora

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